

**BRAZOS COUNTY STANDING ORDER REGARDING
CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES
EFFECTIVE FEBRUARY 4, 2014**

THIS BRAZOS COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES IS BINDING ON (1) THE PARTIES, (2) THE PARTIES' OFFICERS, AGENTS, SERVANTS, EMPLOYEES, AND ATTORNEYS, AND (3) ANY OTHER PERSON WHO ACTS IN CONCERT WITH THE PARTIES OR THEIR AGENTS AND WHO RECEIVES ACTUAL NOTICE OF THESE ORDERS, AND IS ENFORCEABLE BY CONTEMPT OF COURT, INCLUDING FINE AND/OR IMPRISONMENT.

No party to this lawsuit has requested this order. Rather, this order is a standing order of Brazos County that applies in every divorce suit and in every suit affecting the parent-child relationship filed in Brazos County, Texas. The Brazos County Courts have adopted this order because the parties and their children should be protected and their property preserved while the lawsuit is pending. The terms "party" and "parties," as used in this Order does not include the Attorney General of Texas. Therefore, IT IS ORDERED, effective, December 1, 2012,

1. **NO DISRUPTION OF CHILDREN.** Unless there is a written agreement of all parties or an order of the Court, both parties are ORDERED to refrain from doing the following acts concerning children who are subjects of this case:
 - 1.1 Removing the children from the State of Texas, acting directly or in concert with others.
 - 1.2 Disrupting or withdrawing the children from school or daycare facility where the children are presently enrolled.
 - 1.3 Hiding or secreting the children from the other parent.
 - 1.4 Disturbing the peace of the children.
 - 1.5 Making disparaging remarks regarding the other party or the other party's family in the presence or within the hearing of the children.
 - 1.6 If this is an original divorce action, allowing anyone with whom the party has a dating relationship to be in the same dwelling or on the same premises overnight while in possession of the children. Overnight is defined from 10:00 p.m. until 7:00 a.m.
2. **CONDUCT OF THE PARTIES DURING THE CASE.** Both parties are ORDERED to refrain from doing the following acts:
 - 2.1 Using vulgar, profane, obscene or indecent language, in a coarse or offensive manner to communicate with the other party, whether in person, by telephone, or in writing.
 - 2.2 Threatening the other party in person, by telephone, electronically (including email, text messages and social media) or in writing to take unlawful action against the person.
 - 2.3 Placing one or more telephone calls, at an unreasonable hour, in an offensive or repetitious manner, without a legitimate purpose of communication.
 - 2.4 Opening or diverting mail addressed to the other party.

- 2.5 Threatening or causing bodily injury to the other party or parties or a child of any party.

3. **PRESERVATION OF PROPERTY AND USE OF FUNDS DURING DIVORCE**

CASE. If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts relating to the property of one or both of the parties.

- 3.1 Destroying, removing, concealing, encumbering, transferring, or otherwise harming or reducing the value of the property.
- 3.2 Misrepresenting or refusing to disclose to the other party or to the Court, on proper request, the existence, amount, or location of any property.
- 3.3 Damaging or destroying the tangible property including any document that represents or embodies anything of value.
- 3.4 Tampering with the tangible property including any document that represents or embodies anything of value, and causing pecuniary loss to the other party.
- 3.5 Selling, transferring, assigning, mortgaging, encumbering or in any manner alienating any of the property, whether personal property or real property, and whether separate or community, except as specifically authorized by this order.
- 3.6 Incurring any indebtedness except as specifically authorized by this order.
- 3.7 Making withdrawals from any checking or savings account in any financial institution for any purpose except as authorized by this order.
- 3.8 Spending any sum of case for any purpose except as specifically authorized by this order.
- 3.9 Withdrawing or borrowing in any manner for any purpose from any retirement, profit-sharing, pension, death, employee benefit plan, employee savings plan, individual retirement account or Keogh account, except as specifically authorized by this order.
- 3.10 Signing or endorsing the other party's name on any negotiable instrument, check, or draft, such as tax refunds, insurance payments, and dividends, or attempting to negotiate any negotiable instrument payable to the other party without the personal signature of the other party.
- 3.11 Taking any action to terminate or limit credit cards in the other party's name.
- 3.12 Entering, operating, or exercising control over the motor vehicle in the possession of the other party.
- 3.13 Discontinuing or reducing the withholding for federal income taxes on wages or salary while this suit is pending.
- 3.14 Terminating or in any manner affecting the service of water, electricity, gas, telephone, cablevision, or other contractual services, such as security, pest control, landscaping, or yard maintenance at the other party's residence or in any manner attempting to withdraw deposits for these services.

4. **PERSONAL AND BUSINESS RECORDS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
 - 4.1 Concealing or destroying any family records, property records, financial records, business records or any records of income, debts, or other obligations.
 - 4.2 Falsifying any writing or record relating to the property of either party.
 - 4.3 "Records" include emails or other digital or electronic data wherever stored.
5. **INSURANCE IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are ORDERED to refrain from doing the following acts:
 - 5.1 Withdrawing or borrowing in any manner all or part of the cash surrender value of life insurance policies on the life of either party.
 - 5.2 Changing or in any manner altering the beneficiary designation on any life insurance on the life of the parties or their children.
 - 5.3 Canceling, altering, or in any manner affecting any casualty, automobile, or health insurance policies insuring the parties property or person or their children.
6. **SPECIFIC AUTHORIZATIONS IN DIVORCE CASE.** If this is a divorce case, both parties to the marriage are specifically authorized to do the following:
 - 6.1 To engage in acts reasonable and necessary to conduct their usual business.
 - 6.2 To make expenditures and incur indebtedness for reasonable attorney's fees and expenses in connection with this suit.
 - 6.3 To make expenditures and incur indebtedness for reasonable and necessary living expenses for food, clothing, shelter, transportation and medical care.
 - 6.4 To make withdrawals from accounts in financial institutions only for the purposes authorized by this order.
7. **SERVICE AND APPLICATION OF THIS ORDER.**
 - 7.1 The Petitioner shall attach a copy of this order to the original petition and to each copy of the petition prior to filing same with the District Clerk.
 - 7.2 This order is effective upon the filing of the original petition and shall remain in full force and effect as a temporary restraining order for fourteen days after the date of the filing of the original petition. If no party contests this order by presenting evidence at a hearing requested and heard on or before fourteen days after the date the original petition is filed, this order shall continue in full force and effect as a temporary injunction until further order of the court. This order will terminate and will no longer be effective once the court signs a final order.
8. **EFFECT OF OTHER COURT ORDERS.** If any part of this order is different from any part of a protective order or temporary restraining order that has already been entered or is later entered, the protective order/ temporary restraining order provisions prevail.

9. **MEDIATION ON TEMPORARY ORDERS.** Family law cases sometimes require that certain temporary decisions be made while the case is pending. These decisions can be made by agreement of the parties or by the judge after a formal hearing. If the parties cannot reach an agreement on their own (with or without the help of attorneys), both parties are ORDERED to participate in a "mediation" (a settlement meeting conducted with the help of a trained person called a "mediator") before requesting a hearing. The parties are free to agree on a person to serve as mediator. Otherwise the following is appointed mediator:

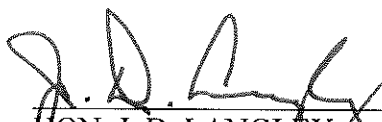
DISPUTE RESOLUTION CENTER
3211 S. Texas Avenue, Bryan, Texas 77802
Telephone: (979) 822-6947

It is FURTHER ORDERED that, unless otherwise ordered by the Court, or the parties agree otherwise in writing, the Mediator's fees shall be borne equally by the parties, shall be paid by the parties directly to the Mediator and may, upon hearing, be taxed as costs of court.

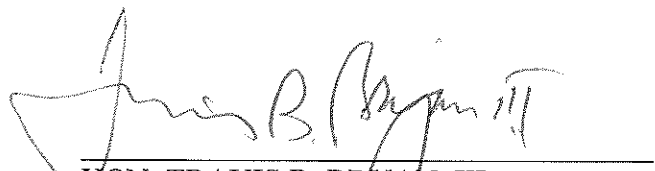
Upon good cause shown, the terms of this section 9 may be modified by Court Order.

10. **BOND WAIVED.** It is ORDERED that the requirement of a bond is waived.

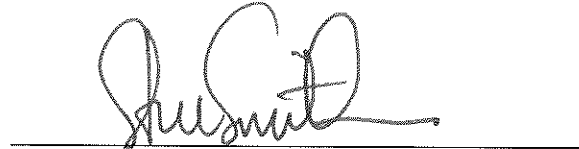
THIS BRAZOS COUNTY STANDING ORDER REGARDING CHILDREN, PROPERTY AND CONDUCT OF THE PARTIES SHALL BECOME EFFECTIVE ON FEBRUARY 4, 2014.




HON. J. D. LANGLEY
85th Judicial District Court




HON. TRAVIS B. BRYAN, III
272nd Judicial District Court



HON. STEVE SMITH
361st Judicial District Court



HON. AMANDA MATZKE
County Court at Law No. 1



HON. JIM LOCKE
County Court at Law No. 2